



*Association of  
New York State  
Youth Courts*



*Mission Statement:*

*To act as a catalyst for the comprehensive development of Youth Courts across New York State, to maintain a juvenile justice alternative that is operated for and by youth, and to promote Youth Courts as an important feature of the juvenile justice services that seek to improve juvenile justice outcomes for all community youth.*

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## ANYSYC EDUCATIONAL SCHOLARSHIP 2015

Calling all program coordinators! It's that time of year again. The Association of New York State Youth Courts is pleased to offer an educational scholarship to 2 deserving youth court members of NYS Youth Courts in the amount of \$500.00 each.

Scholarship information is for Preferred Members only. If you are a preferred member, applications must be post marked by April 6th, 2015.

If you are interested in becoming a preferred member of the association, Please contact [Violet Palombo](#).

Winners will be published in the Summer 2015 Newsletter!

## *Youth Court Inductions 2015*

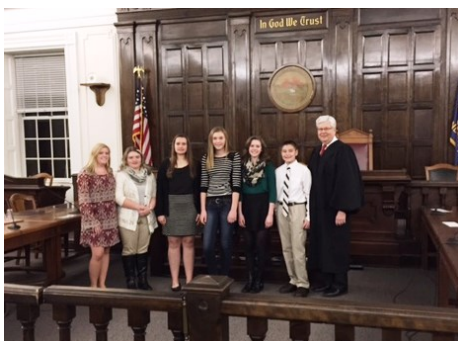
Town of Babylon Youth Court's Class of 2015 was inducted on Wednesday January 21, 2015. Judge John Iliou, one of the volunteer trainers, administered the Youth Court Oath to the inductees. This is the ninth Youth Court class to be inducted in the Town of Babylon.

Deputy Supervisor Martinez, Town Clerk Carol Quirk and Executive Director of the Town of Babylon Youth Bureau Claire McKeon are pictured with Youth Court Coordinator and Case Manager Melissa Morman and the inductees. Also pictured are several of the volunteer trainers; ADA Jay Gutierrez, ADA Tamela Gaither, Deputy Bureau Chief Bill Devore, and Judge John Iliou.

The members of the Town of Babylon Youth Court Class of 2015 are (in no order): Bianca Suchdeve Bridgette Rohl, Chelsea Pannell, Courtney Morelli, Daniel Gerardi, David Batkiewicz, Detrelle Hughes, Dorota Narewska; Gregory Garrison; Jasmine Martin; John Santare; Jonathan Link; Jude Jeanty; Kailey Tenn; Kayla Griffin; Lauren Lazarta; Mehreen Zahid; Nicole Kennedy; Olubanke Agunloye; Peter Demopoulos; Rich Monsky; Stephanie Perdikos; Taylor Maucere; Tyler Belle; Tyler Small; Tylied Billinger; Ty-Tiana Billinger; and Vincent Verdile.



The twenty-eight new members joined the thirty veteran members of the Youth Court on February 4th for their first Youth Court trials.



Genesee County Youth Court welcomes their seventh class of members as they were sworn by our Family Court Judge Adams on January 13th, 2015!

## Wyoming County Youth Court New Member Graduation

On Wednesday, March 4, 2015, the Wyoming County Youth Court hosted a graduation ceremony inducting 6 new members into the Wyoming County Youth Court. The new members included Benjamin Kelly, Sam Matthews, Mason Bush, Jacob Patrick, Nathan Manning, and Allison Karasiewicz. The new Youth Court members bring the total membership to 22 youth. The graduation ceremony was held in the Conable Courtroom at the Wyoming County Courthouse. The Honorable Judge Michael Griffith attended and swore the new members into the Wyoming County Youth Court. Also in attendance were the Chairman of the Wyoming County Board of Supervisors, Doug Berwanger; Andrea Aldinger, Director of Office for Aging and Youth Bureau; and Don O'Geen, Wyoming County District Attorney. The event was also attended by and received recognition with local press, The Batavia Daily News.



Pictured left to right: Allison Karasiewicz, Jacob Patrick, Nathan Manning, Ben Kelly, Sam Matthews, and Mason Bush.

Submitted by Jamie M Hudson, Wyoming County Program Coordinator and Amy Fialkowski, Wyoming County Youth Court Coordinator

## Designing Change in Brownsville, Brooklyn



The Brownsville Community Justice Center (the Center) is happy to announce an exciting partnership with the Municipal Arts Society to implement an exciting new initiative called *Designing Change*. Designing Change is an experiential program that uses design and art as a tool to engage youth in community-based planning and urban design projects in Brownsville, Brooklyn.

The goals of the program is to develop the capacity of young people to lead projects that shape and support Brownsville and to empower them to participate in the revitalization of their neighborhood. The program will work with youth from the Center’s Youth Court program. The Brownsville Youth Court has been working to incorporate more service learning and community benefit activities into its training curriculum and program. The participants, will collaborate with local elected officials, community residents and other professional designers, planners and developers.



This initiative will support the Center’s place-based work with the Belmont Revitalization Project. The Belmont Revitalization Project is a part of the Center’s efforts to restore a crime-ridden retail corridor into a striving business district that promotes positive pedestrian activity and strong community. The Project defines the Belmont business corridor as Belmont Avenue from Rockaway Ave to Mother Gaston Blvd. The Project’s catchment will also include 3 cul-de-sacs adjacent to the Belmont corridor on Thatford Avenue, Osborn Street, and Watkins Street. (cont next page)



The 16 week program focuses on following areas: 1. Planning and design concepts; 2. Understanding economic development; 3. Envision and Design a new commercial street. A culmination project will display art work in a public exhibition in One Day Public Plaza in the Thatford Avenue cul-de-sac this Spring.

Submitted By:

Sharese Crouther

Coordinator of Community Initiatives and Special Projects

[SCROUTHER@nycourts.gov](mailto:SCROUTHER@nycourts.gov)

[www.brownsvillejustice.org](http://www.brownsvillejustice.org)



## Ontario County Youth Court

The Ontario County Youth Court is pleased to announce the launch of their new website!

Please take a moment and check out their hard work and dedication.

[Ontario County Youth Court](#)

Congrats Deb Holland and the kids of Ontario County!



# Preview of Law Day 2015....

## Magna Carta



May 1, 2015

## Law Day 2015 Outstanding Activity Awards Criteria

### Purpose of Law Day Awards

Highlight the best programs that promote public understanding of law and integrate the 2015 theme "Magna Carta: Symbol of Freedom Under Law" into innovative activities that serve the community.

### Award Categories

- Best student/classroom program
- Best public/community program
- Most innovative program
- Best interpretation of the 2015 theme

### Eligibility

Any individual or group who implements a Law Day 2015 program is eligible to enter.

### How to Enter

You can enter via email or mail. Just download the entry form at [www.lawday.org](http://www.lawday.org) and click on Awards.

#### By email:

If you **email** your entry, simply download the form from the website, fill it out and attach the completed form to your email along with your activity narrative (summary of your program) and electronic copies of your supporting materials that detail your activities. **Please keep the supporting materials to a maximum of 15 pages.** You may also include work products (programs, flyers, proclamations, releases, etc.) and photographs that help illustrate your program's effectiveness. **Photographs are not counted as part of the 15-page supporting materials limit.** Therefore you can have up to 15 pages of supporting materials in addition to your photos. Send this email to us at [publiceducation@americanbar.org](mailto:publiceducation@americanbar.org).

#### By mail:

You may **mail** your submission instead. **Be sure to mail six (6) copies of your entire entry** (including activity narrative, supporting materials, work products, and photographs) to the address provided.

### Entry Components

*Your entry (via email or mail) should consist of:*

- Completed Entry Form
- Activity Narrative (not to exceed 750 words)
- Supporting Materials (not to exceed 15 pages)
  - Articles about your activity
  - Letters of support and thanks, etc.
- Work Products
  - Programs/flyers
  - Press releases
  - Proclamations
  - Video of your activity, etc.
- Activity Photographs (electronic photos of your activity are strongly encouraged)

**\*Please note that entries will not be returned.**

### Criteria

*Submissions are judged on the following criteria:*

- How well the activity expands public awareness of the rule of law
- How well the entry highlights the 2015 Law Day theme "Magna Carta: Symbol of Freedom Under Law"
- Whether there is an appropriate audience and how well the program engages the target audience(s)
- How well the program forged partnerships with community groups, schools, and the legal community
- Quality and innovation of the program
- Whether or not there is an impact beyond Law Day

### Prizes

If you win, you will receive an inscribed plaque presented at the ABA Midyear Meeting in February 2016. You will also receive a gift certificate and be prominently featured in the 2016 Planning Guide and on the Law Day website as a winner and best practice program.

### Deadline

Entries must be emailed or postmarked by **June 26, 2015**, to be considered.

Email entries to [publiceducation@americanbar.org](mailto:publiceducation@americanbar.org) or mail six (6) copies of your entire entry to:

**Law Day Awards**  
**Attn: Chandra Fitzpatrick**  
**ABA Division for Public Education**  
**321 N. Clark Street, Mail Stop 20.2**  
**Chicago, IL 60654-7598**

For information, call 312.988.5720 or visit [www.lawday.org](http://www.lawday.org).

# REDEEM Act of 2014

Washington, DC – Citing the need to embrace bipartisan solutions that lessen taxpayers' burden and increase public safety, U.S. Senators Cory Booker (D-NJ) and Rand Paul (R-KY) today introduced sweeping legislation to reform the nation's broken criminal justice system, which has grown increasingly costly over the past four decades.

The REDEEM Act (Record Expungement Designed to Enhance Employment) will give Americans convicted of non-violent crimes a second chance at the American Dream. The legislation will help keep kids who get into trouble out of a lifetime of crime and help adults who commit non-violent crimes become more self-reliant and less likely to commit future crimes.

"I will work with anyone, from any party, to make a difference for the people of New Jersey, and this bipartisan legislation does just that," Sen. Booker said. "The REDEEM Act will ensure that our tax dollars are being used in smarter, more productive ways. It will also establish much-needed sensible reforms that keep kids out of the adult correctional system, protect their privacy so a youthful mistake can remain a youthful mistake, and help make it less likely that low-level adult offenders reoffend."

"The biggest impediment to civil rights and employment in our country is a criminal record. Our current system is broken and has trapped tens of thousands of young men and women in a cycle of poverty and incarceration. Many of these young people could escape this trap if criminal justice were reformed, if records were expunged after time served, and if non-violent crimes did not become a permanent blot preventing employment," Sen. Paul said.

Specifically, the REDEEM Act:

- Incentivizes states to increase the age of criminal responsibility to 18 years old: Currently 10 states have set the original jurisdiction of adult criminal courts below 18 years old. This sends countless kids into the unforgiving adult criminal system. The REDEEM Act incentivizes states to change that by offering preference to Community Oriented Policing Services (COPS) grant applications for those that have set 18 or older as the age of original jurisdiction for adult criminal courts.
- Allows for sealing and expungement of juvenile records: Provides for automatic expungement of records for kids who commit non-violent crimes before they turn 15 and automatic sealing of records for those who commit non-violent crimes after they turn 15 years old.
- Restricts use of juvenile solitary confinement: Ends the cruel and counterproductive practice of solitary confinement except in the most extreme circumstances in which it is necessary to protect a juvenile detainee or those around them.
- Offers adults a way to seal non-violent criminal records: Presents the first broad-based federal path to the sealing of criminal records for adults. Non-violent offenders will be able to petition a court and make their case. Furthermore, employers requesting FBI background checks will get only relevant and accurate



information - thereby protecting job applicants - because of provisions to improve the background check system.

- Lifts ban on SNAP and TANF benefits for low-level drug offenders: The REDEEM Act restores access to benefits for those who have served their time for use and possession crimes, and for those who have paid their dues for distribution crimes provided their offense was rationally related to a substance abuse disorder and they have enrolled in a treatment program.

As taxes on hard-working Americans have increased to help pay for prison spending, there are fewer resources available for law enforcement, rehabilitative programs, and proven investments in children to prevent crime in the first place. The result has been a cycle of spending and incarceration that led to more than a quarter of a trillion dollars a year drained from our economy going to unproductive uses.

Though only five percent of the world's population lives in the United States, it is home to 25 percent of the world's prison population. This phenomenon has rapidly increased in the years since 1980 and the federal prison population has grown by nearly ten-fold since. Not only does the current overpopulated, underfunded system hurt those incarcerated, it also digs deeper into the pockets of taxpaying Americans.

In 1980, the average American contributed \$77 a year to corrections expenditures. By 2010, that number jumped to \$260. When you factor in other related costs such as judicial and legal services, that number grows exponentially.

“Our country’s misguided criminal justice policies have placed an economic drag on communities in both of our states, and on our nation’s global competitiveness – all while making us less, not more, safe,” Sen. Booker added.

- [Press Release on REDEEM Act](#)

Read the Act—[S.2567](#)

## The Constitution Project



The United States has the largest number of incarcerated people in the Western world. While Americans are just 5% of the world's total population, they now make up a quarter of the world's prison population. Several states have begun to reduce the rate of incarceration through evidence-based policy changes, but the federal system lags far behind. Between 1980 and 2013, annual spending on the federal prison system rose by 595 % and more than 40% of federal prisoners end up back in the criminal justice system within just three years after re-

lease. Experts from all sides of the political spectrum agree that over-incarceration is ineffective, a waste of resources and promotes recidivism. What can be done to improve the situation?

On January 28, The Constitution Project Right-Left Criminal Justice Working Group hosted a Capitol Hill briefing on federal legislation aimed at reducing incarceration rates and broadening the opportunity for ex-offenders to safely reintegrate into society through improved reentry programs and reductions of collateral consequences. The speakers at the standing-room only event represented a “who’s who” of criminal justice reform advocates from the right and the left, including: Sen. Al Franken (D-Minn.); Sen. Rob Portman (R-Ohio); Rep. Danny Davis (D-Ill.); Rep. Jim Sensenbrenner (R-Wisc.); Mark Holden, senior vice president and general counsel for Koch Industries, Inc.; former

Obama administration official Van Jones, president of Dream Corps Unlimited and CNN contributor; Piper Kerman, author of *Orange is the New Black: My Year in a Women's Prison*; and Pat Nolan, director of the Center for Criminal Justice Reform at the American Conservative Union (ACU) Foundation and former GOP leader in the California State Assembly. Held in the historic Kennedy Caucus Room, the panel was moderated by TCP board member David Keene, opinion page editor at The Washington Times and former head of the NRA and ACU.

You can [watch the entire event](#) on C-SPAN. Or read about it [here](#) and [here](#). As you will see, enthusiasm for reform cuts across the ideological and political spectrum.

The Right-Left Criminal Justice Working Group is made up of thought leaders from both sides of the aisle who are united in seeking a common goal: advancing meaningful criminal justice reform. Drawing on deep knowledge from its diverse and experienced membership, the group focuses on all aspects of our criminal justice system, including sentencing, prisons, prisoner reentry, mental health and forensics.

[-The Time Is Now for Criminal Justice Reform, Panelists at Hill Briefing Say](#)

## Welcome to Teen Court

[By: Katie J.M. Baker BuzzFeed News Reporter—posted January 16, 2015](#)

**At legally authorized teen courts across the country, teens decide the real-life fate of other teens who've committed low-level offenses.** The weirdest part? It seems to work — so why aren't there more of them?

One day after school last December, 15-year-old Michael took the stand in a Brooklyn courtroom. His crime: jumping a subway turnstile instead of paying for the \$2.50 ride, classified as the most serious level of misdemeanor in New York. "How are you feeling today?" the jury foreman asked him. "Nervous," Michael said. (His name has been changed since he is a minor.) He had walked in with a scowl, but now looked like he was about to cry.

The New York Police Department takes turnstile jumping very seriously. More than 37,000 people received incarceration time for fare evasion from 2008 to the first half of 2014, according to state data 1,802 of them were minors.

If Michael didn't take care of his ticket before his next birthday, he could have even become one of the nearly 50,000 16- and 17-year-olds who end up in the state's criminal courts every year, most of whom are charged with nonviolent crimes —

New York is one of only two states where the age of adult criminal responsibility is 16. The overwhelming majority of youths sentenced to incarceration, 80%, are black and Latino. But adults wouldn't decide Michael's fate that afternoon. Instead of giving him a ticket, the police officer who caught Michael trying to sneak into the subway sent him to teen court, which is run for and by teenagers.

The judge Michael faced was a teen. The jury members were teens. His "youth advocate" defender, as well as the "community advocate" who played a vaguely prosecutorial role, were teens as well.

"We are here to help you, not to judge you," the 17-year-old foreperson reassured Michael before the questioning began. Teen court, also called youth or peer court, may sound like the premise of a sitcom, but there are more than 1,000 youth court programs in 49 states and the District of Columbia, according to the National Association of Youth Courts, and some states have even passed teen court-related legislation.

Teen courts are a diversion program, not a court of law, and the majority don't adjudicate guilt or innocence the way real courts do. Instead, the goal is to determine a fair sentence for first offenders who have admitted guilt for low-level offenses rather than throwing them to the mercy of the criminal justice system. Advocates also believe teens can get through to other teens in a way out-of-touch adults can not. Some jury members are former "respondents" who went through the teen court system themselves.

"Here we treat respondents as people who have stories to tell that go beyond the mistake they made," said Jah-Neyce, a 17-year-old member of the Red Hook Youth Court. "In a regular court, the judge doesn't really care who you are."

Teen court hasn't been around very long — 20 years ago, there were only 78 in operation, according to the National Youth Court Database — although some say its roots stem back to the late 19th century, when social welfare leader William Reuben George founded the George Junior Republic in Freeville, New York, which promoted youthful self-government. His son-in-law may have founded the first youth court in the 1960s.

Police, probation officers, schools, district attorney's offices, or family and criminal courts may refer minors to teen court who have already confessed to low-level crimes ranging from marijuana possession to shoplifting to assault. The jury attempts to target the root cause of an offender's actions, after which they might be referred to social services, face community service, attend mandated motivational group counseling, or write a personal essay or public apology.

Advocates say positive peer pressure is more cost-effective than scaring nonviolent offenders straight. It costs about \$500 to send a kid to teen court compared to the roughly \$5,500 cost per child of appearing in juvenile court, said Jack Levine, program director of the National Association of Youth Courts.

But not everyone is so convinced that it's a great idea.

Some critics are horrified at the prospect of going so easy on crime. "This scheme combines the worst of soft sentencing and silly gimmicks," Centre for Crime Prevention's Peter Cuthbertson told the *Daily Mail* last summer after a peer court opened in West Yorkshire, England. Those on the other side of the spectrum are concerned by a study and anecdotal evidence that suggested police might refer some kids to teen court who would have otherwise simply been sent home with a stern lecture.

Others are just skeptical that the program actually prevents reoffending. Every teen court is different — some employ adults judges, while peers preside over others, and there's a vast variation in referral sources — so it's difficult to evaluate their effectiveness. Teen court participation also typically requires a formal or informal admission of guilt, which means it's hard to compare it to the traditional court system. And, since teen court is designed for first-time offenders with low-level offenses, recidivism rates are low to begin with.

The lack of concrete data may be the reason why few people know teen courts exist — municipalities strapped for cash aren't typically excited to invest in something that isn't proven to work.



Though teen courts seem popular with some legal experts — the former New York State chief judge launched a fund to provide financial support and has unsuccessfully lobbied for legislation — funding is scarce. Most courts in New York are funded by local government, although they can also receive money from the state and federal government, private donors, and local school districts and foundations. Although the majority of youth courts in New York state have an annual operating budget of \$50,000 or less, New York’s youth courts are barely scraping by, their employees say.

“People love the idea of youth court,” said Beth Broderick, project director of the Staten Island Youth Justice Center, which hosts the borough’s youth court, “but they don’t seem to want to pay for it.”

But some research is promising. An Urban Institute study of four courts found that those who attended teen court had less than half the one-year recidivism rate of those who passed through the juvenile justice system. Advocates compare that to extensive research that shows that imprisoning young offenders actually increases their odds of committing more serious crimes and returning to prison while also making them less likely to graduate from high school.

“Teens take risks without understanding the long-term consequences,” said Dory Hack, director of Youth Justice Capacity Building at the Center for Court Innovation, a nonprofit that works closely with the New York State Unified Court System. “We strongly feel that youth court is a better way to respond to many minor offenses than the criminal system. We want them to have a positive experience and feel heard.”

In New York City’s youth courts, where teen members are paid a small monthly stipend after undergoing intensive training and hear cases twice a week, annual compliance rates average 93%, Hack said.

There are more than 80 youth courts in New York State (called “youth” because some respondents are as young as 10 years old, although members are 14-18). The Center for Court Innovation operates five youth courts in New York City and one in Newark, New Jersey. In 2013, the Red Hook Youth Court heard 146 cases, most for larceny, truancy, and assault. The Staten Island Youth Court heard 170, many for shoplifting, thanks to the

borough's most popular teen hangout: the mall.

For New Yorkers 16 and older, the alternative to youth court isn't necessarily jail time, but the "escalation of a case through the system," Hack said. In other words, if a kid like Michael doesn't show up to court, or is later charged with another offense, he might face increasingly serious consequences. By housing the courts in community centers, the Center for Court Innovation hopes to connect at-risk kids who come to youth court with other services they might need close to home. Some sessions take place in real-life courtrooms, like the youth court at Youth and Community Programs at the Red Hook Community Justice Center, which was founded as the nation's first multi-jurisdictional community court in 2000, while others, like Staten Island's, are conducted in repurposed office rooms.

"There's an air of legitimacy because of what the kids bring to it," said Broderick, adding that many respondents and their families are "really stressed" by a traditional courtroom setting. During youth court sessions in Staten Island and Red Hook, teen respondents walked in looking nervous or defensive — most said they had never heard of youth court before, and had no idea what to expect — but quickly opened up once they realized the jury was on their side.

After everyone in the room cited a crucial confidentiality oath — every so often, a jury member and a respondent run into each other in their high school cafeteria — the cases began. One 11th-grader, clad in sequined Uggs, said that her friend had convinced her to shoplift a bag from H&M and that she struggled with peer pressure. The court assigned her an essay on that topic, along with three hours of community service and a behavior workshop. A pair of sisters who were reported truant explained in separate sessions that their mother had taken them to McDonald's for breakfast because they had a half-day at school. In many states, truancy charges can carry serious offenses for both kids and their parents, but the court decided that the sisters hadn't done anything wrong and let them go without any sanctions.

Michael, the turnstile jumper, was questioned more relentlessly.

First, the community advocate assigned to his case (the kids switch positions regularly) argued that the city loses out on funding thanks to fare evasion, and that younger kids might copy Michael's actions and get a ticket or face actual jail time. Michael's advocate, who had met with Michael before the hearing to get to know him better, said he possessed "a multiple of positive

attributes,” had a good relationship with his family and friends, and had never dealt with the police before. Plus, Michael “liked to play handball after school.”

The jury then peppered Michael with questions, speaking as quickly as only teens can.

Did Michael have money with him? (No.) Did he ask anyone, say, in his school office, to borrow some before deciding to jump the turnstile? (No.) Had he ever been suspended? (Yes, twice; once for hitting a teacher, but that was in fifth grade.) Did he feel like anyone deserved an apology? (Yes: the MTA.) Who was his role model? (Biggie Smalls, which elicited some hidden grins from the otherwise professional jury). What were his future goals? (College, although he only said so after some encouragement from the jury.) How would his experience in youth court get in the way of them?

In a closing statement, the community advocate said Michael “lacked motivation and spoke too quickly.”

But his advocate defended him.

“He stated if given the chance he would apologize to the MTA, he does not skip school anymore, and he has learned not to jump the turnstile,” he said before thanking Michael for participating.

“We know how hard it is to admit to one’s fault in front of his peers.”

The jury left the room to deliberate. Some members felt that Michael had learned his lesson, but others thought he was just saying what they wanted to hear.

“He has future goals!” one teenager said in Michael’s defense.

“Well, only after you told him what they should be,” said another. “You had to prompt him.”

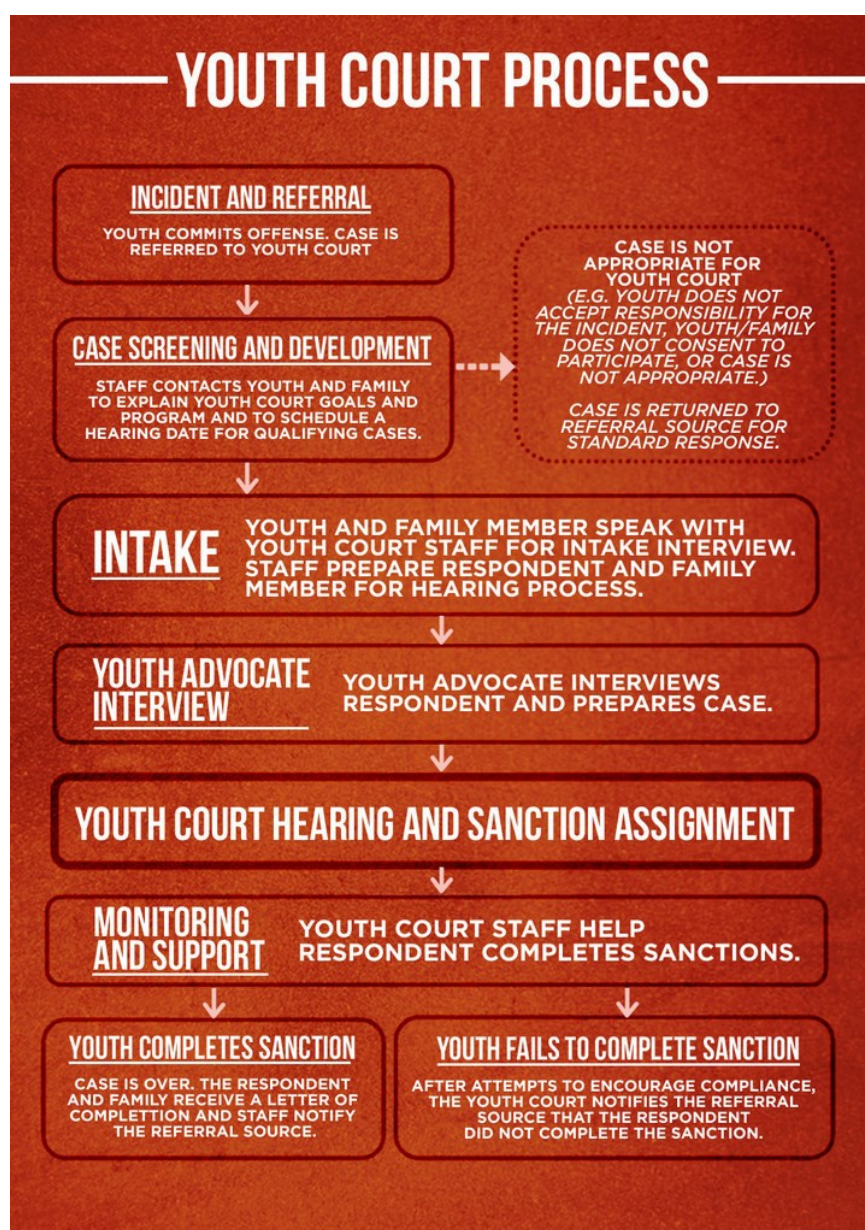
Ultimately, the jury assigned Michael a group counseling course, since they felt he needed a group for motivation’s sake, and a letter of apology to the MTA.

Michael and his mother then met with a youth court staffer so she could explain how the center would help him finish his sanctions in time — and that if he didn’t show up, it could stay on his permanent record, at least until he turned 18. (Most jurisdictions send kids who don’t complete their sanctions in time back to the traditional juvenile justice system.) Michael’s mother said she didn’t speak English or have an email account; the staffer told her not to worry.

“The goal isn’t to punish,” a 15-year-old jury member named Marcos said. “But if we see a pattern, we want to help kids fix it up. We all want what’s best for them.”

Asana, 17, who judged Michael’s case, used to think that “every man behind bars is a criminal,” she said. Then, she listened to an elementary schooler explain why he stole an iPhone. He told the court that he only did it because an older group of boys had threatened his family. The experience made Asana cry.

“It made me think of my brothers and sisters,” she said. “Now I’m not so biased.”





## The Governor's Commission on Youth, Public Safety, and Justice— Summary of Recommendations for Juvenile Justice Reform in New York State

Posted on January 19, 2015 at 4:58 pm by [Casey Seiler, Capitol Confidential, Bureau Chief](#)

The 11th preview item for Gov. Andrew Cuomo's Opportunity Agenda arrived Monday in the form of a 176-page report from the governor's Commission on Youth, Public Safety and Justice, appointed as part of a Cuomo initiative from his 2014 State of the State address.

The panel, co-chaired by former Cuomo counsel Jeremy Creelan and Soffiyah Elijah of the Correctional Association of New York, was set up to examine the state's policy of processing 16- and 17-year-olds in the criminal justice system — a policy followed by only one other state, North Carolina.

Elijah noted that youthful offenders fare poorly in adult jails and prisons: They're twice as likely as other inmates to be abused by staff or other prisoners; five times more likely to be sexually assaulted; and either times more likely to commit suicide. She noted that they are also more likely to inextricably fall into the "deep end" of the justice system, and are 25 percent more likely to reoffend.

The report recommends following raising the age of juvenile jurisdiction in two steps: from 16 to 17 at the beginning of 2017, and to 18 at the beginning of 2018. The age when juvenile jurisdiction would begin would shift from age 7 to 12, although the age at which murder could be dealt with in the juvenile courts would remain 10. The report noted that children younger than 12 commit only about 4 percent of all delinquency petitions in the state involve children younger than 12.

Offenders younger than 18 would be kept out of adult prisons or jails, and would be incarcerated in special facilities of fewer than 25 beds where they could serve out their sentence up to age 21, if funding and "operational considerations" allow. Their small size would allow for a stream of federal funding under Medicaid.

Among its other recommendations, the report calls for the creation of new youth courts to deal with criminal cases involving offenders younger than 18.

The report also calls for allowing the records of most youthful offenders to be sealed if they don't reoffend, although records of a violent felonies committed by anyone 16 or older could be unsealed and used as a predicate in sentencing for any subsequent violent felony. Sex offenses, violent and Class A felonies, and homicides would not be eligible for sealing.

Cuomo accepted the findings of the panel in total and said he would move to transform the recommendations into legislation.

Albany Chief of Police Steven Krokoff, who served as a member of the panel, Thanked the governor during Monday's Red Room news conference.

“We in law enforcement and the public as a whole often think that public safety is somehow zero-sum, and for some reason someone has to suffer in order to try and improve justice and equality,” Krokoff said. “... What this commission and this report will show is that in fact the opposite is true: We’re going to be able to achieve all the things that we need to in terms of justice and equality all while reducing crime and victimization.”

Here’s the executive summary:

### Commission on Youth Public Safety and Justice Recommendations



Jeremy Creelan, co-chair of the Commission on Youth, Public Safety and Justice looks on as Gov. Andrew Cuomo talks about the commission as he meets with the members to receive their report at the Capitol. (Paul Buckowski, Times Union)

## Key Points of the Commission’s Recommendations:

- ◆ Mandate diversion attempts for low-risk misdemeanor cases except where probation finds no substantial likelihood that youth will benefit from diversion (p. 48)
- ◆ Expand the categories of cases eligible for adjustment in designated felony cases and Juvenile Offender cases removed to Family Court, with a requirement for court approval (p. 48)
  - ◆ Youth Courts were listed in the “Effective Program Models” (p. 26)
- ◆ Raise the age of Juvenile Jurisdiction from 7 to 12, except for homicide which should be 10 (p. 37)
  - ◆ Raise the age of Juvenile Jurisdiction to 18, consistent with other States (p. 33)
- ◆ Expand Family Court jurisdiction to include youth ages 16 and 17 charged with non-violent misdemeanors, felonies, or harassment of disorderly conduct violations (p.65)
- ◆ Create new Youth Parts, with specially trained judges, in criminal court for processing those cases against 16 and 17 year olds and other Juvenile Offenders that remain in criminal court (p.76)
- ◆ Create the capacity for the victim to obtain an order of protection without filing charges (p.49)
  - ◆ Allow two additional months for probation diversion if needed (p.49)
  - ◆ Reduce the unnecessary use of detention and placement (p.105)
- ◆ Prohibit confinement of any minor in an adult jail or prison, and if possible, permit youth to remain in youth setting until age 21 (p.95)
- ◆ Use determinant sentencing for youth sentenced under Juvenile Offender or Youthful Offender statutes, including 16 and 17 year olds (p.109)
- ◆ Develop a continuum of local level community based services to be used by probation, to maintain more high-risk youth in the community and reduce recidivism (p.114)
- ◆ Develop residential facilities using best practices models to support the needs of older adolescents (p.123)
  - ◆ Create process to seal certain convictions (p.141)
- ◆ Where applicable, allow those previously convicted to apply to the Division of Criminal Justice Services to have their record sealed (p.142)

# Gov. Cuomo Commish: New York State Should Raise the Age to 18

By: [GARY GATELY](#), Juvenile Justice Information Exchange | January 19, 2015

New York state should raise the age that youths can be tried and convicted as adults to 18, a commission appointed by Gov. Andrew Cuomo recommended Monday.

Cuomo, speaking in Albany, said he planned to propose the recommendations of the Governor's Commission on Youth, Public Safety & Justice as a legislative package to the State Assembly.

In a 164-page report, the commission said its recommendations would reduce by 1,500 to 2,400 the number of crimes against people across the state every five years while saving taxpayer dollars.

And pointing to states including Connecticut and Illinois that have raised the age of criminal responsibility, the report said recidivism and juvenile crime rates can be lowered through "evidence-based" interventions that steer nonviolent young offenders out of the juvenile justice system and into family mental health or other services.

"Extensive research on the significant negative impacts on adolescents of incarceration in adult jails and prisons has brought a sense of urgency for reform," the report stated. "Higher suicide rates, increased recidivism, and many other measures all suggest that both offenders and their communities are harmed by placing adolescents into adult jails and prisons."

Under the report's recommendations, the age of criminal responsibility would be raised to 17 in January 2017 and to 18 in January 2018.

"I'm incredibly excited about the recommendations and particularly that the governor said he is going to present them as a package legislatively," said commission member Emily Tow Jackson, executive director and president of [The Tow Foundation](#), based in New Canaan, Conn.

"The recommendations go beyond just raising the age. They delve into how to actually create a system that's fair and equitable and developmentally appropriate while still holding young people accountable and keeping our communities safe."

Tow Jackson noted the recommendations call for the immediate removal of all youth under 18 from adult jails and prisons even if they have committed serious crimes and their cases were heard in adult criminal court.

‘So it’s a complete abolition of housing 16- and 17-year-olds or younger in adult jails and prisons,’ Tow Jackson said.

In a statement, Cuomo’s office pointed out that black and Hispanic youths make up 33 percent of 16- and 17-year-old youths statewide but account for 72 percent of all arrests and 77 percent of felony arrests.

The statement said young men of color comprise 82 percent of youth sentenced to adult confinement and that inmates under 18 in adult jails and state prisons are much more likely to be physically or sexually assaulted and to commit suicide than adult inmates.

“The numbers are daunting and make clear that the state must change how it treats incriminated youth,” the statement said

New York and North Carolina are the only two states that prosecute all 16- and 17-year-olds as adults.

In the report, the commission stated: “After a thorough review of current New York State law and practice in both the criminal and juvenile justice systems; analysis of national practice and the raise-the-age experience in other states; consideration of input from hundreds of stakeholders across the state through focus groups, interviews, and public hearings; and site visits to current adult and juvenile confinement settings, the commission recommends that New York State phase in an increase in the age of juvenile jurisdiction to age 18.”

The report also pointed to scientific research on adolescent brain development. It has shown adolescents’ brains are not fully developed until later than previously believed, as late as the mid-20s, and also that adolescents are amenable to rehabilitation

The commission’s recommendations drew praise from advocates for children and juvenile justice reform, law enforcement officials, faith leaders and others that have sought to raise the age of criminal responsibility in the state.

“We applaud Governor Cuomo for reaffirming his commitment to ensure that children charged with offenses are treated in an age-appropriate manner, reducing the likelihood that youth re-offend and protecting our communities,” the advocacy group [Raise the Age New York](#) said in a statement. “We look forward to working with the governor and legislature to bring New York’s legal system in line with scientific research and create outcomes that are best for public safety and our youth.”

Raise the Age New York says that each year, almost 50,000 16- and 17-year-olds are arrested and face the possibility of prosecution as adults in the state’s criminal justice system, the vast majority of them for minor crimes.



Marian Wright Edelman, president of the Washington-based [Children's Defense Fund](#), also praised the governor and the commission.

“On this day of remembrance of Martin Luther King, Jr. — I commend New York State, Governor Cuomo and the commission for proposing a package of reforms that bends toward justice for children and youths by treating them as children and youth and ensuring that they have the chance to turn their lives around and become productive citizens,” Edelman said in a statement.

“The governor and state legislature now have the opportunity to enact this long-overdue proposal, which would make New York state a leader in juvenile justice.”

And Nicholas Turner, president of the New York City-based [Vera Institute of Justice](#), said in a statement the recommendations are “the first steps to creating non-punitive system responses that better serve the needs of youth, keep families together and enhance community safety.”

“At this age, young people are at a critical period in their cognitive development, so the nature of the state’s response to them after arrest can have lifelong consequences. We must ask ourselves: Do we want to trap them in cycles of poverty and system involvement out of a misguided desire for retribution? Or should we consider the damage a punitive response can have on youth and instead, offer them much-needed services, treatment, and guidance?”

Cuomo appointed the 16-member commission in April. Announcing creation of the commission in his 2014 State of the State address last January, Cuomo said, “It’s time to improve New York’s outdated juvenile justice laws and raise the age at which our children can be tried and charged as adults.”

**JuvenileJustice**  
INFORMATION EXCHANGE

For more information on Juvenile Justice across the country

## *Support for the Raise the Age from around New York*

JANUARY 21, 2015: STATEMENT ON RAISING THE AGE OF CRIMINAL RESPONSIBILITY FROM GLENN LAU-KEE, PRESIDENT OF THE NEW YORK STATE BAR ASSOCIATION: "The New York State Bar Association has long supported raising the age of criminal responsibility to 18. We look forward to studying Governor Cuomo's proposal.

"Every child accused of a nonviolent felony deserves a second chance. Research demonstrates—what parents intuitively know—that 16- and 17-year-old kids lack the maturity and judgment to understand the legal consequences of their actions. A criminal record at a young age can shadow a lifetime, affecting an individual's future education and employment.

"Raising the age of criminal responsibility will help all children to embark on a more positive path to adulthood. Providing troubled teenagers with support and guidance can help them turn around their lives."

<https://www.nysba.org/CustomTemplates/SecondaryStandard.aspx?id=54267>

### **Onondaga County D.A. supportive of Cuomo plan to treat more teen offenders as children, expand family courts.**

SYRACUSE, N.Y. -- A plan by Gov. Andrew Cuomo to drastically overhaul the way the state's criminal justice system treats children has the backing of Onondaga County's top prosecutor.

Onondaga County District Attorney William Fitzpatrick said details still need to be worked out, but that overall he supports the proposals embraced by Cuomo days before his annual State of the State address.

"I think it's a very, very good idea," Fitzpatrick said.

The lengthy series of proposals put forth by Cuomo would, among other things, treat more older teenagers as juvenile offenders rather than adult criminals. If passed by the New York State Legislature, the state's criminal justice system would begin treating 16- and 17-year-olds as juveniles rather than adults.

The changes would also keep younger teens imprisoned or awaiting trials separate from adults. The new rules would allow more options for expunging or sealing criminal convictions for younger defendants.

Times and society have changed, Fitzpatrick said, and the law needs to change with them.

"Nobody anticipated a hundred years ago when these statutes were written that a 14-year-old would beat someone to death with a rock," he said.

New York and North Carolina are the only states in the country that prosecute teens as adults once they turn 16 years old. Studies have found that children incarcerated in adult facilities and prosecuted through the adult criminal justice system were more likely to re-offend than those treated as juveniles.

Fitzpatrick said he was concerned, however, about deferring responsibility for crimes committed by young people.

"The research on that is that the human brain doesn't fully develop until age 25," he said. "I just don't want to see a situation develop ... where the brain development crowd says no one can be held accountable."

"You can abuse the research or you can use it to try to make the system better."

Fitzpatrick said he would like to see reforms that would allow district attorneys to handle all juvenile offender cases. Prosecutors often don't know if a juvenile has been convicted of a crime previously and it can be difficult to get those records, he said.

Controlling the cost of the reforms is also a concern, Fitzpatrick said.

Raising the age to qualify as an adult criminal to 18 would require building and opening new facilities throughout the state to house younger people charged with misdemeanors and felonies, according to the report from the state's Commission on Youth, Public Safety and Justice. It would also require hiring more judges to handle the new types of cases.

New York State Bar Association President Glenn Lau-Kee also expressed support for Cuomo's proposals.

"Every child accused of a nonviolent felony deserves a second chance," Lau-Kee said in a statement. "Research demonstrates-what parents intuitively know-that 16- and 17-year-old kids lack the maturity and judgment to understand the legal consequences of their actions."

Onondaga County Sheriff Gene Conway declined to comment Wednesday night on the governor's plan because he was not familiar with the specifics of the proposed reforms. A spokesman for Syracuse Police Chief Frank Fowler did not immediately respond to a request for comment Wednesday.

[By Ken Sturtz, on January 21, 2015 at 9:08 PM.](#)

Reporter Teri Weaver contributed to this story.

## Push Intensifies for Raising the Age of Adult Prosecution to 18



State Sen. David Carlucci, along with proponents of raising the age of adult criminal responsibility for non-violent offenses to 18 years old in New York, urges for a change in the criminal justice system outside Sing Sing Correctional Facility.

An area state senator is attempting to gather statewide support for changing a law that would treat most 16- and 17-year-olds charged with crimes as juveniles rather than adults.

On Friday, state Sen. David Carlucci (D-Clarkstown), surrounded by advocates who are attempting to raise the age of adult criminal responsibility to 18 years old, spoke outside Sing Sing Correctional Facility in Ossining to lobby for the change.

Carlucci said for youngsters 16 and 17 years old who commit nonviolent offenses, the criminal justice system should focus on rehabilitation rather than incarceration. He said there are currently about 800 inmates statewide who are 16 and 17 serving time in adult prisons where they are often intimidated or abused by the older inmates. Many become more hardened in prison and are doomed to a life of crime because the recidivism rate for

inmates that age is high.

Citing Gov. Andrew Cuomo's recent remarks advocating for reforms in the criminal justice system, including raising the age for adult responsibility, Carlucci said while it would cost an estimated \$25 million to bolster the juvenile system, over time it would save the state money by cutting the prison population and having these youngsters become contributing members of society.

"A 16- or 17-year-old in an adult facility like the one we're standing in front of today, we might as well sentence them to a life sentence," he said.

Currently, New York and North Carolina are the only two states where 16- and 17-year-olds are automatically treated as adults.

Among the advocates who accompanied Carlucci outside the famous 190-year-old prison, was Jim St. Germaine, who had been arrested in Brooklyn several years after his family moved there from Haiti.

For three-and-a-half years, he was in a group home for juvenile offenders and received services to help turn his life around. St. Germaine considers himself lucky for having been brought up on felony drug charges while he was still 15, affording him the chance at rehabilitation.

“My goal in life is to show them that whether you make a mistake at 14 or 15 or 16 or 17, you should have the same chance in life to actually make something of yourself,” said St. Germaine, now 25, a college graduate who is working on his master’s degree in public administration at NYU.

He has also founded the nonprofit organization Preparing Leaders for Tomorrow (PLOT), which mentors at-risk youths.

Page Pierce, executive director of Families Together in New York State, pointed to the recently released evidence-based recommendations by the state that supports transforming the juvenile criminal justice system. Pierce said she knows of teenagers who at 16 or 17 years old ended up in adult prisons for stealing shoes or Chinese food.

“Our children deserve better, they deserve the opportunities such reforms will provide and today we stand on the precipice of delivering better,” Pierce said.

In Westchester, there were 948 16- and 17-year-olds arrested in 2013, with 71 percent of those being for misdemeanors, said Allison Lake, deputy director of the Westchester Children’s Association. That percentage is similar to nationwide statistics, she said.

Under a revised juvenile criminal justice system, every case involving 16- and 17-year-olds would go to a juvenile court judge who would determine whether it should stay in that court or be transferred to try the youngster as an adult, Lake said.

Carlucci said he believes there is steadily growing support in Albany for this reform, but it will take work to convince enough legislators that there is a benefit to the state.

“I think we have to keep the pressure on,” he said. “We’ve got to hear from people like Jim St. Germaine and other personal experiences.”

[Martin Wilbur, The Examiner News.com, January 31, 2015](#)



## F R O M   T H E   O F F I C E   O F T H E   G O V E R N O R

Dear Fellow New Yorker,

New York is one of only two states in the nation that treats 16- and 17-year olds as adults. The other is North Carolina.

Today, young people are incarcerated with adults in local jails while awaiting trial, and then matriculated into the greater adult prison population if found guilty. Yet 96 percent of these teenagers are accused or convicted of non-violent offenses.

Let me explain why this is so critical. Youth housed in adult facilities are:

- Five times more likely to be sexually assaulted
- Two times more likely to be injured by prison staff
- Eight times more likely to commit suicide than their peers in juvenile facilities

New York should lead the way by guiding and growing these young people, not condemning them before they even reach adulthood. Our Raise the Age proposal will create fundamental change in lives and communities across the state – which is why we're calling on you to help us fight for justice and urge your state legislators to pass the proposal this session.

Raising the age of criminal responsibility will reduce recidivism and costs to the state. Youth processed as adults have 26 percent higher likelihood of re-incarceration than their peers who are processed as juveniles – in other words, when we process minors as adults, they are more likely to commit more crime again in the future.

The State also spends more than \$100 million annually to house young people in detention and placement whom are not accused of committing any crime. Other states address the needs of these youth more effectively and for less money through robust community-based services, many of which are included in our proposal.

**[Please click here to see how you can help Raise the Age.](#)**

I know we've been asking a lot of you over these last few weeks, but this is all part of making our State the best that it can possibly be. Together we will provide opportunity for all New Yorkers. Let's make New York a national leader in effective youth justice policy.

Sincerely,



Governor Andrew M. Cuomo

Submitted By Claire McKeon, Town of Babylon Youth Court

Emailed Originated from the New York State Executive Chamber

**SAVE THE DATE**

## Restorative Practices in Action: A Conference for School and Justice Practitioners

**Date: Friday, May 1, 2015**

**Time:** 9:00 a.m. to 5:00 p.m.

(Registration begins at 8:00 a.m.)

**Location:** John Jay College of Criminal Justice, Lecture Hall L.63,  
524 W 59th St., New York, NY 10019

**Cost:** No charge (Lunch provided)

**Register Online:**

<https://www.surveymonkey.com/s/RestorativePracticesConf>

**SPEAKERS**

### Welcome

Jeremy Travis, President, John Jay College of Criminal Justice

Hon. Judith S. Kaye, Former Chief Judge of the State of New York and  
Chair, NYS Permanent Judicial Commission on Justice for Children

### Keynote Speakers

Hon. Andrew Becroft, Principal Youth Court Judge, New Zealand

Anne Gregory, Ph.D., Associate Professor, Rutgers University Graduate School of Applied  
and Professional Psychology

Fania Davis, J.D., Ph.D., Co-Founder and Executive Director, Restorative Justice  
for Oakland Youth

*And, many more champions of restorative practices!*

**WORKSHOPS**

### School Track

- 1: Restorative Practices for Whole School Climate Change
- 2: Using Restorative Practices to Resolve Conflicts
- 3: Using Restorative Practices to Reintegrate Students from Suspension or Detention
- 4: Implementation and Scale Up: Achieving Buy-in and Fidelity within and across Schools
- 5: Participative Restorative Circle: Talking Race and Difference

### Justice Track

- 1: Healing, Culture and Trauma Informed Practice in Court Settings
- 2: Partnering with Community to Develop Court Diversion Programs
- 3: Beyond the Misdemeanor: Structuring and Monitoring Accountability in Serious Cases
- 4: Implementing Restorative Practices System-wide: The New Zealand Family Group Conference Model
- 5: Participative Restorative Circle: Talking Race and Difference

**SPONSORS**

Co-sponsored by the New York State Permanent Judicial Commission on Justice for Children and the Center on Race, Crime and Justice of the John Jay College of Criminal Justice, CUNY  
With support from the Atlantic Philanthropies, New York State Division of Criminal Justice Services; the New York State Juvenile Justice Advisory Group and the Schott Foundation for Public Education



**Questions? Contact the NYS Permanent Judicial Commission on Justice for Children at [picjc@nycourts.gov](mailto:picjc@nycourts.gov).**



CRIMINAL JUSTICE EDUCATORS OF NYS PRESENTS  
**JUVENILE JUSTICE REFORM:  
 A SHIFT IN PARADIGM**  
 APRIL 17, 2015 (1-4:30 PM)



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**For more information:  
 contactcjeanys@gmail.com  
 (518) 292-1829**

**Juvenile Justice Reform  
 Sessions**

**Session 1 The Governor's  
 Commission on Youth, Public Safety,  
 and Justice**

- Commission Co-Chair, Soffiyah Elijah, Executive Director, Correctional Association of New York
- Commission Member, Steven Krokoff, Albany Chief of Police
- Commission Member, Joseph Mancini, Schenectady County, Director of Probation

**Session 2 Juvenile Justice in Our  
 Communities**

- Restorative Justice: A Victim's Perspective
- Katrina Charland, Director, Bethlehem Youth Court
- NYS Office of Children and Family Services

**Networking Opportunity**

**Location:**

**Sage College of Albany, Opalka Gallery  
 140 New Scotland Ave.  
 Albany, NY 12208**

# ANYSYC NEWS

## Upcoming ANYSYC Meetings!

May 12, 2015 – Oswego – Hosted by Dawn Metott

August 11, 2015 – Syracuse

### ANYSYC OFFICERS

Co-Presidents	Katrina Charland, Bethlehem Youth Court Dawn Metott, Oswego County Youth Court
Vice President	Katherine Chambers, Warren County Youth Court
Treasurer	Sam Crisafulli, Oswego County Youth Court
Secretary	Jamie Hudson, Wyoming County Youth Court

### BOARD OF DIRECTORS

Violet Palombo, Colonie Youth Court

Submissions for the ANYSYC Newsletter must be received by deadline date  
Deadline for the next Newsletter is Monday, June 15, 2015

Please direct all questions to Melissa at the contact information below

### Contact Us

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### ANYSYC NEWSLETTER

Melissa Morman  
Town of Babylon Youth Court  
[melissa.tobyc@gmail.com](mailto:melissa.tobyc@gmail.com)

